IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

          Plaintiff,

    vs.

ROMAN ARAGON, *et al.,*

          Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer ("State") and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Rito de Tierra Amarilla subsection of Section 7:

Marcella Ulibarri   CHTA-003-0017

Ronald J. Demasters   CHTA-003-0040

As grounds therefore Plaintiff states:

1.   The Clerk's Certificate of Default with respect to the above-named defendants was entered on March 17, 2006 (Docket No. 8172).

2.   The above-named defendants have recently contacted the State to discuss the State's offer concerning their water rights in Section 7. They have signed and approved the State's proposed Consent Order and forwarded the approved order to the State for filing.

3.   Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to

set aside the entry of default for defendants Marcella Ulibarri and Ronald J. Demasters.

DATED: April 21, 2006

Respectfully submitted,

    /s/ Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were mailed to following persons on April 21, 2006:

Marcella Ulibarri
P.O. Box 351
Tierra Amarilla, NM 87575

Ronald J. Demasters
232 Desoto
Belen, NM 87002

transmitted by ACE filing to the following on the same date.

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

    /s/ Ed Newville
Edward G. Newville